

E-Filed 01/07/2010

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MANUEL GARNICA, et al.,

No. C 08-00612 RS

Plaintiffs,

v.

ORDER TO SHOW CAUSE

CREATIVE HORTICULTURE, et al.

Defendants.

Plaintiffs' pretrial conference statement expressly admits they have no evidence to support jurisdiction of their claims stated under federal law, although they appear to be requesting the Court to exercise discretion to hear the state law claims under a theory of supplemental jurisdiction. Plaintiffs' counsel, however, failed to appear at the pretrial conference.¹ In light of these circumstances, plaintiffs are ordered to show cause, if any they have, why this action should not be dismissed, without prejudice. Plaintiffs may file a brief, not to exceed 15 pages, within 10 days of the date of this order setting forth any reasons they believe exist for this Court to retain jurisdiction. Alternatively, plaintiffs may elect to dismiss this action within the same time frame. Defendants may file a responsive brief, not to exceed 15 pages, within 10 days of any brief filed by plaintiffs.

¹ Counsel subsequently filed a letter explaining and apologizing that his office had calendared the date of the conference incorrectly.

United States District Court
For the Northern District of California

1 The matter will then be taken under submission without oral argument. The trial date and any other
2 deadlines are hereby VACATED.

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4 IT IS SO ORDERED.

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6 Dated: 01/07/2010

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RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE